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PATENT  
Attorney Docket No. 101.0092-02000  
Customer No. 22882

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	Confirmation No.: 6591
Gary Karlin Michelson	)	
Serial No.: 10/669,287	)	Group Art Unit: 3738
Filed: September 24, 2003	)	Examiner: Thomas Barrett
For: EXPANDABLE PUSH-IN ARCUATE	)	
INTERBODY SPINAL FUSION	)	
IMPLANT WITH TAPERED	)	
CONFIGURATION DURING	)	
INSERTION	)	

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences  
from the last decision of the Examiner.

The item(s) checked below are appropriate:

1. ☒ A Petition for extension of time to respond to the final rejection was filed on December 8, 2006 extending the period for response to December 16, 2006 (Saturday).
2. ☒ The Appeal Fee of \$500.00 is to be charged to Deposit Account No. 50-3726.

Please grant any extensions of time required to enter this response and  
charge any additional required fees to our deposit account 50-3726.

Respectfully submitted,  
MARTIN & FERRARO, LLP

12/19/2006 HDENESS1 00000056 503726 10669287

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Dated: December 18, 2006

By: Thomas H. Martin  
Thomas H. Martin  
Registration No. 34,383

Post Office Address (to  
which correspondence is  
to be sent)

MARTIN & FERRARO, LLP  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

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DEC 18 2006

Attorney Docket No.: 101.0092-02000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 10/669,287

Filed: September 24, 2003

For: EXPANDABLE PUSH-IN ARCUATE  
INTERBODY SPINAL FUSION  
IMPLANT WITH TAPERED  
CONFIGURATION DURING  
INSERTION

Confirmation No.: 6591

Art Unit: 3738

Examiner: Thomas Barrett

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Further to the Amendment After Final filed December 8, 2006, transmitted herewith is a Notice of Appeal in reply to the Final Office Action dated June 16, 2006 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Form PTO/SB/33 and Pre-Appeal Brief Request for Review are enclosed.
- ☒ The total amount of \$500.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
  - ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
  - ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: December 18, 2006

By:

  
Thomas H. Martin

Registration No. 34,383

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